



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE  
United States Patent and Trademark Office  
Address: COMMISSIONER OF PATENTS AND TRADEMARKS  
Washington, D.C. 20231  
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/382,372	08/24/1999	JEFFRY JOVAN PHILYAW	PHLY-24738	5133

25883 7590 11/21/2002

HOWISON, THOMA & ARNOTT, L.L.P  
P.O. BOX 741715  
DALLAS, TX 75374-1715

EXAMINER

KANG, PAUL H

ART UNIT	PAPER NUMBER
----------	--------------

2142

13

DATE MAILED: 11/21/2002

Please find below and/or attached an Office communication concerning this application or proceeding.

AO



**Office Action Summary**

Application No.

09/382,372

Applicant(s)

PHILYAW ET AL.

Examiner

Paul H Kang

Art Unit

2142

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --  
Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

**Status**

- 1) ☒ Responsive to communication(s) filed on 03 September 2002.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

**Disposition of Claims**

- 4) ☒ Claim(s) 1 and 2 is/are pending in the application.
- 4a) Of the above claim(s) \_\_\_\_\_ is/are withdrawn from consideration.
- 5) ☐ Claim(s) \_\_\_\_\_ is/are allowed.
- 6) ☒ Claim(s) 1 and 2 is/are rejected.
- 7) ☐ Claim(s) \_\_\_\_\_ is/are objected to.
- 8) ☐ Claim(s) \_\_\_\_\_ are subject to restriction and/or election requirement.

**Application Papers**

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 26 March 2001 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
- Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on \_\_\_\_\_ is: a) ☐ approved b) ☐ disapproved by the Examiner.
- If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

**Priority under 35 U.S.C. §§ 119 and 120**

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
- a) ☐ All b) ☐ Some \* c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
  - ☐ Certified copies of the priority documents have been received in Application No. \_\_\_\_\_.
  - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
- \* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
- a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☒ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

**Attachment(s)**

- 1) ☒ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). \_\_\_\_\_
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) \_\_\_\_\_ 6) ☐ Other: \_\_\_\_\_



Art Unit: 2142

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

Claims 1 and 2 are rejected under 35 U.S.C. 103(a) as being unpatentable over Wolzien, US Pat. No. 5,761,606 in view of Hudetz et al., US Pat. No. 5,978,773 and further in view of Reese, US Pat. No. 6,374,237 B1.

2. As to claim 1, Wolzien teaches the invention substantially as claimed. Wolzien teaches receiving at a user's computer at a location on the network an audio signal from a broadcast generated by an advertiser, which audio signal has embedded therein unique coded information (Wolzien, col. 3, lines 25-49);

connecting the user's computer to an advertiser's location in response to extracting the unique coded information from the audio signal, and the advertiser's location being correlated to the unique coded information (Wolzien, col. 3, line 25 – col. 4, line 29 and col. 6, lines 1-58).

However, Wolzien does not specifically teach connecting the user's computer to an advertiser's location without user intervention. In the same field of endeavor, Hudetz teaches a system for automatically connecting a user to an advertiser's location based on unique coded information retrieved from an input device (Hudetz, Hudetz, abstract and col. 3, line 17 – col. 4, line 30 and col. 9, lines 54-64).



It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the method of automatically connecting the user to an advertiser's location, as taught by Hudetz, into the system of Wolzien for the purpose of increasing efficiency and user friendliness.

Wolzien-Hudetz teach the invention substantially as claimed. However, Wolzien-Hudetz do not specifically teach the step of connecting causing profile information of the user to be sent to the advertiser's location over the network, receiving the profile at the advertiser's location, and generating information to forward to the user based upon the user's profile forwarded thereto and forwarding this information to the connected user. In the same field of endeavor, Reese teaches a system for data set selection based upon user profile. Reese teaches transmitting a request that contains a user profile to a server, receiving the profile at the server, and generating the requested information based upon the user's profile (Reese, col. 1, lines 55-63 and col. 4, lines 6-21).

It would have been obvious to one having ordinary skill in the art at the time the invention was made to have incorporated the use of content customization based on user profiles, as taught by Reese, into the automatic data retrieval system of Wolzien-Hudetz for the purpose of increasing the quality and relevance of the retrieved data.

3. As to claim 2, Wolzien-Hudetz-Reese teaches extracting the information from the unique coded information as a unique code (Wolzien, col. 3, line 25 – col. 4, line 29 and col. 6, lines 1-58);



Art Unit: 2142

transmitting the extracted unique code to an intermediate location on the network (Hudetz, col. 8, line 11 – col. 9, line 21);

transmitting to the intermediate location from the user's computer a unique user ID associated with the user and which was stored at the user's computer (Hudetz, col. 7, line 1 – col. 8, line 10; col. 8, lines 11-63 and col. 9, lines 43-53; a unique user ID, a password or digital signature, is transmitted to the intermediate location along with the unique coded information);

providing a database at the intermediate location having stored therein an associative database associating a plurality of unique codes with routing information on the network, and also for storing user profile information associated with user IDs received thereby (Hudetz, col. 7, line 1 – col. 8, line 10 and col. 8, lines 11-63 and Reese, col. 1, lines 55-63 and col. 4, lines 6-21);

comparing the received unique code with the information stored in the database and, if a corresponding unique code is stored therein, forwarding both the user profile information and the associated routing information back to the user's computer (Hudetz, abstract and col. 3, line 17 – col. 4, line 30 and col. 8, line 11 – col. 9, line 21); and

at the user's computer, utilizing the routing information to interconnect with the advertiser's location on the network and forwarding to the advertiser's location the user profile information (Hudetz, col. 8, line 11 – col. 9, line 21 and col. 9, lines 54-64; Reese, col. 1, lines 55-63 and col. 4, lines 6-21).



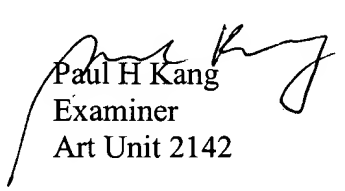
Art Unit: 2142

4. Applicant's arguments with respect to claims 1 and 2 have been considered but are moot in view of the new ground(s) of rejection. The Applicant argued in substance that the prior art of record does not teach the unique coded information being extracted from a broadcast audio signal. The new grounds of rejection teaches this limitation.

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Paul H Kang whose telephone number is (703) 308-6123. The examiner can normally be reached on 9 hour flex. First Friday.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Mark Powell can be reached on (703) 305-9703. The fax phone numbers for the organization where this application or proceeding is assigned are (703) 746-7239 for regular communications and (703) 746-7238 for After Final communications.

Any inquiry of a general nature or relating to the status of this application or proceeding should be directed to the receptionist whose telephone number is (703) 305-3900.



Paul H Kang  
Examiner  
Art Unit 2142

November 17, 2002